

**AMENDMENTS:****In the Claims:**

In the claims, please amend the claims as follows:

1. (Currently amended) An isolated or recombinant nucleic acid comprising a polynucleotide sequence ~~having greater than 91.6% identity that is greater than 91.6% identical~~ to SEQ ID NO:1, wherein the sequence is distinct from EST Accession no.

AA098865, which is said EST Accession no. being

TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGGCG  
GATTCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTACGCTCG  
TGACCTTCGCAGGGACGCTGCT (SEQ ID NO: 37) and wherein said nucleic acid encodes a polypeptide that is an apoptosis inhibitor.

2. (Cancelled)

3. (Cancelled)

4. (Currently amended) The isolated or recombinant nucleic acid of claim 1, having that is at least 95% identity identical to SEQ ID NO. 1.

5. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 50 kB.

6. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 25 kB.

7. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 10 kB.

8. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 5 kB.

9. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 2.5 kB.

10. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is from 15 base pairs to 2.5 kB in length.

11. (Original) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is selected from:

- (a) SEQ ID NO: 1;
- (b) SEQ ID NO: 1, wherein one or more T's are U;
- (c) nucleic acid sequences complementary to (a) or (b); and
- (d) subsequences of either a, b or c that are at least 25 base pairs long.

12. (Original) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is attached to a substrate.

13. (Previously presented) A composition comprising a plurality of sequences, each of claim 1, attached to a substrate.

14. (Previously presented) The of claim 13, wherein the sequences are attached at defined positions of the substrate.

15. (Currently amended) An isolated nucleic acid that hybridizes to the sequence set forth as SEQ ID NO:1 under stringent hybridization conditions, wherein the nucleic acid is distinct from Accession no. AA098865, which is said Accession no. being TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGGCG GATTCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTGACGCTCG TGACCTTCGCAGGGACGCTGCT (SEQ ID NO: 37).

16. (Previously presented) The isolated nucleic acid of claim 15, wherein the sequence has a length of 12-30, 30-50, 50-100, 100-250, 500-1000, 1000-2500, 2500-5000 or 5000-10000 base pairs.

17. (Currently amended) An expression cassette, comprising a polynucleotide sequence ~~having greater than 91.6% identity that is greater than 91.6%~~ identical to SEQ ID NO:1 operably linked to an expression control element.

18. (Original) The expression cassette of claim 17, wherein the expression control element comprises a promoter or enhancer.

19. (Original) The expression cassette of claim 17, wherein the expression control element is constitutive, inducible, tissue-specific or developmentally related.

20. (Original) The expression cassette of claim 17 further comprising a vector.

21. (Original) The expression cassette of claim 20, wherein the vector confers expression in bacteria, plant, insect, mammalian, or yeast cell.

22. (Original) The expression cassette of claim 20, wherein the vector comprises a viral vector.

23. (Previously presented) The expression cassette of claim 22, wherein the viral vector is an adenovirus.

24. (Currently amended) The expression cassette of claim 17, wherein the polynucleotide sequence encodes a polypeptide that inhibits apoptosis ~~or an antisense that stimulates or induces apoptosis.~~

25. (Original) The expression cassette of claim 24, wherein the polypeptide comprises SEQ ID NO: 2.

26. (Original) A transformed cell comprising a nucleic acid of claim 1.

27. (Original) The transformed cell of claim 26, wherein the cell is a bacteria, plant, insect, mammalian or yeast cell.

28. (Previously presented) The transformed cell of claim 26, where the cell is a mammalian cell and where the mammalian cell is human.

29.-41. (Cancelled)

42. (Currently amended) An isolated or recombinant nucleic acid ~~having at least 70% identity that is greater than 70% identical to SEQ ID NO:1, which is—wherein the nucleic acid is distinct from EST Accession no. AA098865, said EST Accession no. being~~ TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGGCG GATTCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTGACGCTCG TGACCTTCGCAGGGACGCTGCT (SEQ ID NO: 37), and wherein the nucleic acid encodes a polypeptide that modulates apoptosis.

43. (Cancelled) ~~The isolated nucleic acid of claim 42, wherein the nucleic acid has at least 80% identity to SEQ ID NO:1.~~

44. (Cancelled) ~~The isolated nucleic acid of claim 42, wherein the nucleic acid has at least 90% identity to SEQ ID NO:1.~~

45. (Currently amended) The isolated nucleic acid of claim 42, wherein the nucleic acid [[has]] is at least 95% identity identical to SEQ ID NO:1.

46.-75. (Cancelled)

76. (Currently amended) A method of producing a polypeptide comprising expressing a nucleic acid encoding an amino acid sequence having that is at least 65% identity identical to SEQ ID NO:2.

77. (Original) The method of claim 76, wherein the nucleic acid is expressed in solution, or in a cell in vitro or in vivo.

78.-141. (Cancelled)

142. (Currently amended) An isolated or recombinant nucleic acid comprising a polynucleotide sequence of SEQ ID NO:1, wherein the sequence is distinct from EST Accession no. AA098865, which is said EST Accession no. being TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGGCG GATTCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTACGCTCG TGACCTTCGCAGGGACGCTGCT (SEQ ID NO: 37), and wherein the polypeptide is an apoptosis inhibitor.

143. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 50 kB.

144. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 25 kB.

145. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 10 kB.

146. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 5 kB.

147. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 2.5 kB.

148. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is from 15 base pairs to 2.5 kB in length.

149. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is attached to a substrate.

150. (Previously presented) A composition comprising a plurality of sequences, each of claim 142, attached to a substrate.

151. (Previously presented) The composition of claim 150, wherein the sequences are attached at defined positions of the substrate.

152. (Previously presented) An expression cassette, comprising the polynucleotide sequence of claim 142 operably linked to an expression control element.

153. (Previously presented) The expression cassette of claim 152, wherein the expression control element comprises a promoter or enhancer.

154. (Previously presented) The expression cassette of claim 152, wherein the expression control element is constitutive, inducible, tissue-specific or developmentally related.

155. (Previously presented) The expression cassette of claim 152 further comprising a vector.

156. (Previously presented) The expression cassette of claim 155, wherein the vector confers expression in bacteria, plant, insect, mammalian, or yeast cell.

157. (Previously presented) The expression cassette of claim 155, wherein the vector comprises a viral vector.

158. (Previously presented) The expression cassette of claim 157, wherein the viral vector is an adenovirus.

159. (Previously presented) A transformed cell comprising a nucleic acid of claim 142.

160. (Previously presented) The transformed cell of claim 159, wherein the cell is a bacteria, plant, insect, mammalian or yeast cell.

161. (Previously presented) The transformed cell of claim 160, where the cell is a mammalian cell and where the mammalian cell is human.

162. (Previously presented) A method of producing a polypeptide comprising expressing the nucleic acid of claim 142.

163. (Previously presented) The method of claim 162, wherein the nucleic acid is expressed in solution, or in a cell in vitro or in vivo.